THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 7741 OF 2007

DATED: 04-10-2007

Between:

Koyyalagadda Bhulakshmi,
W/o. Venkateswarlu

… Petitioner

And

The District Registrar, through Special
Cadre Deputy Registrar/Officer on Special Duty,
The District Cooperative Central Bank Limited,
No.2965, Eluru, West Godavari District
and another

… Respondents

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ORDER:

In this writ petition, the petitioner questioned the notice issued in Form No.9 in exercise of powers under Rule 52 of A.P. Co.operative Rules, 1964. The petitioner has obtained a loan from the second respondent-Agricultural Co-operative Society and as much as the said loan was not repaid, the second respondent has obtained certificate as contemplated under Sec.71 of the A.P.Co.Operative Societies Act, 1964('the Act') for an amount of Rs.1,25,341/-. In execution of such decree, the lands of the petitioner were notified for sale by issuing sale notice in Form No.9. Therefore, the petitioner approached this Court.

While issuing notice before admission, this Court by order dated 16-04-2007 granted interim stay on condition of depositing Rs.20,000/-. But, however, it is fairly submitted by the learned counsel for the

petitioner that no deposit was paid as directed by this Court.

This impugned notice is based on the certificate issued under Sec.71 of the Act. If the petitioner is aggrieved, he can very well question the certificate by availing the statutory remedy of appeal under Sec.76 of the Act. There are absolutely no grounds to interfere with the impugned notice. It is only consequent to the certificate issued under Section 71 of the Act.

Accordingly, the writ petition is dismissed. No order as to costs.

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R. SUBHASH REDDY, J.

Dt: 04-10-2007
Rns

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